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(A) Rule 418 submitted on November 4, 1977, is disapproved. Rule 418 submitted on April 21, 1976 remains in effect.

(B) Rule 419, Gasoline Loading into Stationary Tanks, submitted on June 22, 1978, is disapproved, and rule 419, submitted April 21, 1976, and previously approved in 40 CFR 52.223, is retained.

(c) The following rules and regulations are disapproved because they represent a relaxation of promulgated EPA regulations, and an adequate control strategy demonstration has not been submitted showing that the relaxation would not interfere with the attainment and maintenance of the national standards for photochemical oxidants:

(1) Sacramento Valley Intrastate AQCR.

(i) Yolo-Solano APCD.

(A) Rules 2.21(b)(1), 2.21(b)(2), 2.21(b)(4), 2.21(b)(5) and 2.21(b)(6), submitted on June 6, 1977.

(d) Imperial County APCD Rule 415, Gasoline Loading from Tank Trucks and Trailers, submitted by the State on November 4, 1977 is approved as applicable to facilities installed after July 1, 1977. District Rule 125, Gasoline Loading into Tank Trucks and Trailers and Rule 129, Gasoline loading into Tanks, submitted on February 21, 1972 and previously approved under 40 CFR 52.223 are retained as part of the State implementation plan, as applicable to facilities installed prior to July 1, 1977.

(e) The emission reduction credits for the following control measures contained in Ventura County's 1982 Ozone nonattainment area plan, submitted by the Governor's designee on December 31, 1982, are disapproved since the control measures are of an intermittent and voluntary nature and are therefore not approvable under Sections 110(a)(2)(F)(v) and 123 of the Clean Air Act: R-38/N-16, "No Use Day"; R-39/N-17, "No Drive Day"; R-40, "No Spray Day"; R-41/N-18 "Stationary Source Curtailments."

[38 FR 16564, June 22, 1973. Redesignated at 40 FR 3767, Jan. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.269, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.270 Significant deterioration of air quality.

(a) With the exception of the areas listed in paragraph (b) of this section:

(1) The requirements of Sections 160 through 165 of the Clean Air Act are not met in California.

(2) The plan does not include approvable procedures for preventing the significant deterioration of air quality.

(3) The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of California.

(b) *District PSD Plans.* (1) The PSD rules for Sacramento County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Sacramento County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use "dispersion techniques" as defined in § 51.1.

(iii) Sources for which EPA has issued permits under § 52.21, including the following permit and any others for which applications are received by June 19, 1985.

Procter & Gamble, SAC 83-01, 5/6/83.

(2) The PSD rules for North Coast Unified Air Quality Management District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the North Coast Unified Air Quality Management District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications

under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources of major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use “dispersion techniques” as defined in § 51.1.

(iii) Sources for which EPA has issued permits under § 52.21, including the following permits and any others for which applications are received by July 31, 1985;

(A) Arcata Lumber Co. (NC 78-01; November 8, 1979),

(B) Northcoast Paving (NC 79-03; July 5, 1979),

(C) PG&E Buhne Pt. (NC 77-05).

(iv) Those projects which are major stationary sources or major modifications for nitrogen oxides as precursors to ozone under § 52.21.

(3) The PSD rules for Mendocino County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Mendocino County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use “dispersion techniques” as defined in § 51.1.

(iii) Any sources for which EPA has issued permits under § 52.21, including any permits for which applications are received by July 31, 1985.

(4) The PSD rules for Northern Sonoma County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Northern Sonoma County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use “dispersion techniques” as defined in § 51.1.

(iii) Any sources for which EPA has issued permits under § 52.21, including any permits for which applications are received by July 31, 1985.

(5) Rule 2410, “Prevention of Significant Deterioration,” adopted on June 16, 2011, for the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is approved under Part C, Subpart 1, of the Clean Air Act, based, in part, on the clarifications provided in a May 18, 2012 letter from the San Joaquin Valley Unified Air Pollution Control District described in § 52.220(c)(415). For PSD permits previously issued by EPA pursuant to § 52.21 to sources located in the SJVUAPCD, this approval includes the authority for the SJVUAPCD to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits, except for:

(i) Those specific sources within the SJVUAPCD that have submitted PSD permit applications to EPA and for which EPA has issued a proposed PSD permit decision, but for which final agency action and/or the exhaustion of all administrative and judicial appeals processes (including any associated remand actions) have not yet been concluded or completed by November 26, 2012. The SJVUAPCD will assume full responsibility for the administration and implementation of such PSD permits immediately upon notification from EPA to the SJVUAPCD that any and all administrative and judicial appeals processes (and any associated remand actions) have been completed or concluded for any such permit decision. Prior to the date of such notification, EPA is retaining authority to apply § 52.21 for such permit decisions, and

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the provisions of § 52.21, except paragraph (a)(1), are therefore incorporated and made a part of the State plan for California for the SJVUAPCD for such permit decisions during the identified time period.

(ii) [Reserved]

(6) The PSD program for the Placer County Air Pollution Control District (PCAPCD), as incorporated by reference in § 52.220(c)(391), is approved under part C, Subpart 1, of the Clean Air Act. For PSD permits previously issued by EPA pursuant to § 52.21 to sources located in the PCAPCD, this approval includes the authority for the PCAPCD to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

(7) The PSD program for the Imperial County Air Pollution Control District, as incorporated by reference in § 52.220(c)(411), is approved under part C, Subpart 1, of the Clean Air Act.

(8) The PSD program for the Eastern Kern Air Pollution Control District (EKAPCD), as incorporated by reference in § 52.220(c)(419), is approved under part C, Subpart 1, of the Clean Air Act. For PSD permits previously issued by EPA pursuant to § 52.21 to sources located in the EKAPCD, this approval includes the authority for the EKAPCD to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

(9) The PSD program for the Yolo-Solano Air Quality Management District, as incorporated by reference in § 52.220(c)(420), is approved under part C, Subpart 1, of the Clean Air Act.

(10) The PSD program for greenhouse gases (GHGs) in Rule 1714 for the South Coast Air Quality Management District (SCAQMD), as incorporated by reference in § 52.220(c)(421), is approved under part C, Subpart 1, of the Clean Air Act. This approval is limited to sources subject to the PSD program for GHGs. The provisions of § 52.21 (except paragraph (a)(1)) continue to apply to the SCAQMD for all pollutants subject

to regulation, as defined in § 52.21, except for GHGs.

[50 FR 25419, June 19, 1985, as amended at 50 FR 30943, July 31, 1985; 68 FR 11322, Mar. 10, 2003; 68 FR 74488, Dec. 24, 2003; 76 FR 48008, Aug. 8, 2011; 77 FR 65310, Oct. 26, 2012; 77 FR 73322, Dec. 10, 2012; 77 FR 73320, Dec. 10, 2012]

§ 52.271 Malfunction, startup, and shutdown regulations.

(a) The following regulations are disapproved because they would permit the exemption of sources from the applicable emission limitations and therefore do not satisfy the enforcement imperatives of section 110 of the Clean Air Act.

(1) Amador County APCD.

(i) Rule 404, submitted on April 21, 1976.

(ii) Rule 4f, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(2) Bay Area APCD.

(i) Regulation 2, Section 3212, and Regulation 3, Section 3203, submitted on April 21, 1976.

(ii) Regulation 2, Section 3212, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

(3) Calaveras County APCD.

(i) Rules 110 and 402(f), submitted on July 25, 1973.

(ii) Rule 404, submitted on October 13, 1977.

(4) Colusa County APCD.

(i) Rule 4.4g, submitted on July 25, 1973, and Rule 4.4g, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(5) Del Norte County APCD.

(i) Rule 540, submitted on November 10, 1976.

(ii) Rule 45, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

(6) Fresno County APCD.

(i) Rule 110, submitted on June 30, 1972, and previously approved under 40 CFR 52.223.

(ii) Rules 110 and 402(f), submitted on October 23, 1974.

(7) Glenn County APCD.

(i) Rules 95.2 and 95.3, submitted on January 10, 1975.

(8) Great Basin Unified APCD.

(i) Rule 403, submitted on June 6, 1977.